UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.11/Add.1
3 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 26

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

Draft report of the Commission

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

CONTENTS*

Chapter — Page

II. Resolutions and decisions adopted by the Commission at its fifty-third session . . . . . .

A. Resolutions

1997/7 Human rights and unilateral coercive measures . .

1997/8 The right to food . . . . . .

1997/9 Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights . . . . . .

---

* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

GE.97-11591 (E)

CONTENTS (continued)

Chapter		Page
1997/10	Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt, in particular, on the implementation of the Declaration on the Right to Development	
1997/11	Human rights and extreme poverty	
1997/12	Question of the death penalty	
1997/13	Violence against women migrant workers	
1997/14	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	
1997/15	Migrants and human rights	
1997/16	Rights of persons belonging to national or ethnic, religious and linguistic minorities	

1997/7. Human rights and unilateral coercive measures

The Commission on Human Rights,

Recalling the purposes and principles of the Charter of the United Nations,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 which declares that no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights called upon States to refrain any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and recent major United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the socio-humanitarian activities of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals,

1. Calls once again upon all States to refrain from adopting or implementing unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Rejects the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, inter alia children, women and the elderly;

3. Reaffirms in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

4. Also reaffirms that essential goods such as food and medicines should not be used as tools for political coercion, and that in no case may a people be deprived of its own means of subsistence;

5. Endorses and reaffirms the criteria of the Working Group on the Right to Development according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development;

6. Urges once again the working group on the implementation and promotion of the right to development to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

7. Requests the High Commissioner for Human Rights, in discharging his functions relating to the promotion, realization and protection of the right to development, to pay due attention and give urgent consideration to the present resolution;

8. Decides to examine this question, on a priority basis, at its fifty-fourth session under the same agenda item.

36th meeting
3 April 1997
[Adopted by a roll-call vote of 37 votes to 8, with 7 abstentions. See chap. V.]

1997/8. The right to food

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which states that everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food,

Recalling also the Universal Declaration on the Eradication of Hunger and Malnutrition,

Taking into account the provisions of the International Covenant on Economic, Social and Cultural Rights in which the fundamental right of every person to be free from hunger is recognized,

Considering the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit held in Rome from 13 to 17 November 1996,

Recognizing that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions, unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Reaffirming that a peaceful, stable and enabling political, social and economic environment is the essential foundation which will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as did the Rome Declaration, that food should not be used as an instrument of political and economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity as well as the necessity of refraining from unilateral measures, not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

1. Reaffirms that hunger constitutes an outrage and a violation of human dignity and, therefore, requires the adoption of urgent measures at the national, regional and international level for its elimination;

2. Also reaffirms the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able fully to develop and maintain their physical and mental capacities;

3. Considers intolerable that over 800 million people throughout the world, and particularly in developing countries, do not have enough food to meet their basic nutritional needs, which infringes their fundamental human rights;

4. Stresses the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources, from all sources, including external debt relief for developing countries, to reinforce national actions to implement sustainable food security policies;

5. Encourages the Committee on Economic, Social and Cultural Rights to pay further attention in its activities to those rights recognized in article 11 of the International Covenant on Economic, Social and Cultural Rights;

6. Endorses the request made in the World Food Summit Plan of Action to the High Commissioner for Human Rights, in consultation with relevant treaty bodies, and in collaboration with relevant specialized agencies and programmes of the United Nations system and appropriate intergovernmental mechanisms, as well as non-governmental organizations, to better define the rights related to food in article 11 of the International Covenant on Economic, Social and Cultural Rights, and to propose ways to implement and realize these rights as a means of achieving the commitments and objectives of the World Food Summit, taking into account the possibility of formulating voluntary guidelines for food security for all;

7. Invites the High Commissioner for Human Rights to report on the implementation of this resolution at its fifty-fourth session.

36th meeting
3 April 1997

[Adopted without a vote. See chap. V.]

1997/9. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action, particularly on the question of the human rights to life and to good health,

Recalling its resolutions 1989/42 of 6 March 1989, 1990/43 of 6 March 1990, 1991/47 of 5 March 1991, 1993/90 of 10 March 1993, 1995/81 of 8 March 1995 and 1996/14 of 11 April 1996,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989, 45/13 of 7 November 1990 and 46/126 of 17 December 1991 and Economic and Social Council decision 1995/288 of 25 July 1995,

Recalling further resolution 1153 (XLVIII) of 25 May 1988 of the Council of Ministers of the Organization of African Unity declaring that the dumping of toxic wastes in the continent was a crime against Africa and the African people,

Affirming that the illicit movement and dumping of toxic and dangerous substances and wastes constitute a serious threat to the human rights to life and health of individuals, particularly in developing countries that do not have the technologies to process them,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

Mindful of the call by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, on all States to adopt and vigorously implement existing Conventions relating to the dumping of toxic and dangerous products and waste and to cooperate in the prevention of illicit dumping,

Aware of the increasing rate of dumping in African and other developing countries by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes that constitute a serious threat to the human rights to life and health of everyone, and which they cannot dispose of within their territories of operation,

Aware also that many developing countries do not have the national capacities and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and health,

Having examined the progress report submitted by the Special Rapporteur (E/CN.4/1997/19),

1. Takes note of the progress report of the Special Rapporteur and in particular her conclusions and recommendations, and regrets that she encountered serious obstacles in the discharge of her mandate, in particular the lack of adequate human and financial resources;

2. Notes with grave concern that adequate staff and financial resources were not made available to the Special Rapporteur to enable her to discharge her mandate effectively, including undertaking in situ missions;

3. Categorically condemns the increasing rate of dumping of toxic and dangerous products and wastes in developing countries, which adversely affects the human rights to life and health of individuals in those countries;

4. Reaffirms that illicit traffic and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and health of every individual;

5. Urges all Governments to take legislative and other appropriate measures with a view to preventing illegal international trafficking in toxic and hazardous products and wastes;

6. Invites the United Nations Environment Programme, the secretariat for the Basel Convention, the International Register of Potentially Toxic Chemicals, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization, the International Atomic Energy Agency and the Organization of African Unity and other regional organizations to intensify their cooperation and assistance on environmentally sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;

7. Expresses its appreciation to the relevant United Nations agencies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention for the support extended to the Special Rapporteur and urges them and the international community to continue to give her the necessary support to enable her to discharge her mandate;

8. Urges the international community and the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, to give appropriate support to the developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments controlling the

transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and good health of all;

9. Requests the Special Rapporteur, in preparing her next report, to continue to consult all relevant bodies, in particular the secretariat for the Basel Convention, and urges all Governments, United Nations bodies, specialized agencies, the United Nations Environment Programme, the secretariat for the Basel Convention and non-governmental organizations to continue to cooperate fully with the Special Rapporteur by providing information on the movement and dumping of toxic and dangerous products and wastes;

10. Also requests the Special Rapporteur to continue to undertake, within her mandate, a global, multi-disciplinary and comprehensive study of existing problems of and solutions to illicit traffic in, transfer to and dumping of toxic and dangerous products and wastes in African and other developing countries, with a view to making recommendations and proposals, in her next report, on adequate measures to control, reduce and eradicate these phenomena;

11. Reiterates its request to the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission information on countries and enterprises, including transnational corporations, engaged in the illicit movement and dumping of toxic and dangerous products and wastes in African and other developing countries,

12. Requests the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission comprehensive information on persons killed, maimed or otherwise injured in the developing countries through this heinous act;

13. Encourages the Special Rapporteur, with adequate support and assistance from the Centre for Human Rights, to provide Governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report;

14. Reaffirms its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary financial and human resources, including administrative support in the Centre for Human Rights, for the fulfilment of her mandate;

15. Decides to continue consideration of the question of the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights at its fifty-fourth session under the agenda item entitled: "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

36th meeting
3 April 1997
[Adopted by a roll-call vote of 32 votes to 12, with 8 abstentions. See chap. V.]

1997/10. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms,

Bearing in mind that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character.

Reaffirming the Declaration on the Right to Development, approved by the General Assembly in its resolution 41/128 of 4 December 1986, and the resolutions and decisions adopted by the United Nations in connection with the problem of the foreign debt of the developing countries,

Bearing in mind that the absolute amounts attained by the foreign debt and debt service of the developing nations indicate the persistent seriousness of this situation, and that despite the improvement in some indicators, the foreign debt burden continues to be intolerable for a considerable number of developing countries,

Aware that the serious problem of the foreign debt burden remains one of the most critical factors adversely affecting economic, social, scientific and technical development, and living standards in many developing countries, with serious effects of a social nature,

Recognizing the need to address the obstacles that impede the implementation of the Declaration on the Right to Development and the enjoyment of economic, social and cultural rights all over the world,

Noting with regret the negative effects of the structural adjustment and reform policies conceived and imposed by the international financial organizations and bilateral creditors on the debtor countries to deal with the effects of the foreign debt, on the enjoyment and realization of economic, social and cultural rights, especially among the most vulnerable and low-income groups,

Stressing that the economic globalization process creates new risks and uncertainties,

Expressing its concern at the continuing decline in levels of official development assistance,

Considering that the measures for alleviating the debt problem, of both official and private origin, have not achieved an effective, equitable, development-oriented and durable solution to the outstanding debt and debt service of a large number of developing countries, especially the poorest and highly-indebted countries,

Bearing in mind the relationship between the heavy foreign debt burden and the considerable increase in poverty which is apparent at the world level and is especially large in Africa,

Recognizing that the foreign debt constitutes one of the main obstacles preventing the developing countries from fully enjoying their right to development,

1. Takes note of the report submitted by the Secretary-General in accordance with its resolution 1996/12 of 11 April 1996;

2. Stresses the importance of continuing to implement immediate, effective and durable actions for alleviating the debt and debt-service burdens of developing countries with debt problems in the framework of the realization of economic, social and cultural rights;

3. Affirms that the permanent solution to the foreign debt problem lies in the establishment of a just and equitable international economic order which guarantees the developing countries, inter alia, better market access, stabilization of exchange rates and interest rates, access to financial and capital markets, adequate flows of financial resources and better access to the technology of the developed countries;

4. Stresses the need for the economic programmes arising from the foreign debt to take account of the specific characteristics, conditions and needs of the debtor countries, and the need to incorporate the social dimension of development;

5. Affirms that the exercise of the basic rights of the people of the debtor countries to food, housing, clothing, employment, education, health service and a healthy environment cannot be subordinated to the implementation of structural adjustment policies and economic reforms arising from the debt;

6. Emphasizes the important need for the recent initiatives on the foreign debt, in particular the debt initiative for the highly-indebted countries and the decision of the Paris Club to go beyond the Naples terms, to be implemented completely and flexibly, and at the same time notes with concern the rigidity of the eligibility criteria approved by the international creditor community in the context of these initiatives;

7. Emphasizes the need for new flows of financial resources to the indebted developing countries, and urges the creditor countries and the international financial institutions to increase financial assistance on favourable terms as a means of supporting the implementation of the economic reforms, combating poverty, and achieving sustained economic growth and sustainable development;

8. Requests the working group on the implementation and promotion of the right to development to continue to pay special attention in its work to the social repercussions of the foreign debt and, in particular, to the repercussions of the policies adopted to face the effects of foreign debt on the realization of economic, social and cultural rights, and to make recommendations in this regard;

9. Recognizes that there is a need for more transparency in the activities of international financial institutions;

10. Considers that, in order to find a durable solution to the debt problem, there is a need for a political dialogue between creditor and debtor countries within the United Nations system, based on the principle of shared interests and responsibilities;

11. Requests the Secretary-General to submit to the Commission, at its fifty-fourth session, after high-level consultations with Governments, international financial institutions and specialized agencies, and with intergovernmental organizations, a report on the international debt strategy

containing an analysis of the effects of this phenomenon on the effective enjoyment of human rights of the people of the developing countries, and in particular of the most vulnerable and low-income groups;

12. Requests the United Nations High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries, and especially the social impact of the measures arising from the foreign debt;

13. Requests that, taking advantage of the current restructuring of the Centre for Human Rights, a unit should be established for the promotion of economic, social and cultural rights, and in particular the implementation of the right to development, bearing in mind the aspects relating to the debt burden of the developing countries;

14. Decides to continue to consider this matter at its fifty-fourth session in connection with the corresponding agenda item.

36th meeting
3 April 1997
[Adopted by a roll-call vote of 34 votes to 15, with 3 abstentions. See chap. V.]

1997/11. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Recalling also that the eradication of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned by the fact that extreme poverty continues to spread throughout the countries of the world, regardless of their economic, social or cultural situation, and gravely affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Noting the provisions of the Convention on the Rights of the Child, which recognizes that there are in all countries in the world children living in especially difficult conditions and that special attention should be paid to such children,

Welcoming the relevant provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

Recalling its resolution 1990/15 of 23 February 1990, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out a specific study of extreme poverty and social exclusion and its other relevant resolutions, in particular resolution 1996/10 of 11 April 1996, as well as Sub-Commission resolution 1996/23 of 29 August 1996,

Recalling also General Assembly resolutions 50/107 of 20 December 1995 and 51/97 of 12 December 1996,

Stressing that, in the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, Governments committed themselves to eradicating poverty throughout the world through national action and international cooperation, taking account of the fact that this is an ethical, social, political and economic imperative of humankind,

Welcoming the activities undertaken for the International Year for the Eradication of Poverty,

Noting that the majority of persons living in poverty are women, children or the elderly and that women bear a disproportionate burden,

Noting also with interest the microcredit Summit held in Washington (D.C.) in February 1997, which focused on the importance of encouraging national initiatives for social development including, inter alia, access to credit for people living in poverty, particularly women, through employment and income-generation to address the feminization of poverty,

Having examined the final report on human rights and extreme poverty (E/CN.4/Sub.2/1996/13) presented at the forty-eighth session of the Sub-Commission by the Special Rapporteur, Mr. Leandro Despouy,

1. Reaffirms that:

(a) extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

(b) in accordance with the Vienna Declaration and Programme of Action (A/CONF.157/23), it is essential for States to foster participation by the poorest people in the decision-making process in their communities, in the promotion of human rights and in efforts to combat extreme poverty;

2. Recalls that:

(a) to ensure the protection of the rights of all individuals, non-discrimination towards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of what is endured by people living in poverty, including women and children, and thought must be given to the subject, drawing on the experience and ideas of the poorest themselves and of those committed to working alongside them;

(b) in the Copenhagen Declaration, Governments also undertook to endeavour to ensure that all men and women, especially those living in poverty, may exercise the rights, utilize the resources and share the responsibilities that will enable them to lead satisfying lives and to contribute to the well-being of their families, their communities and humankind as well as the provisions of the Beijing Declaration and Platform for Action adopted by the fourth World Conference on Women;

3. Expresses its satisfaction to the Special Rapporteur for his final report on human rights and extreme poverty, prepared on the basis of consultations with persons living in extreme poverty and the persons and NGOs engaged in the field among very poor persons, families and population groups throughout the world;

4. Calls upon:

(a) the General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to consider the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

(b) States, the organs of the United Nations and intergovernmental and non-governmental organizations, in conformity with the Vienna and Copenhagen Declarations and Programmes of Action, to continue to take into account, in the activities to be undertaken within the framework of the United Nations

Decade for the Eradication of Poverty, the links between extreme poverty and human rights, as well as the efforts of the poorest themselves to combat poverty and the importance of associating them with all stages of these activities;

5. Invites the treaty bodies monitoring the application of human rights instruments, notably the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women, to take into account, when considering the reports of States parties, the question of extreme poverty and human rights;

6. Requests the Secretary-General:

(a) to take the necessary measures to ensure that the final report of the Special Rapporteur on human rights and extreme poverty is published as a United Nations publication in all the official languages and that it receives the widest possible distribution, particularly within the framework of activities of the United Nations Decade for the Eradication of Poverty and the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights;

(b) to place the report at the disposal of non-governmental organizations which desire to reproduce it in languages accessible to the greatest number of persons living in extreme poverty;

(c) to convey the final report of the Special Rapporteur to the General Assembly, the Economic and Social Council, the Commission for Social Development, the Commission on Sustainable Development, the Trade and Development Board of the United Nations Conference on Trade and Development, the Executive Boards of the United Nations Development Programme, the United Nations Children's Fund and the Executive Committee of the United Nations High Commissioner for Refugees for consideration at their next sessions, as well as to any other body to which the Secretary-General considers it should be communicated;

7. Requests the United Nations High Commissioner for Human Rights to:

(a) Give high priority to the question of human rights and extreme poverty within United Nations human rights bodies;

(b) Ensure, within the framework of his role as coordinator of activities related to the promotion and defence of human rights within the United Nations system as a whole, better cooperation between institutions or

bodies involved in the development of policies and strategies for protecting human rights and combating poverty, in association with the poorest and persons working with them;

(c) Invite Governments, specialized agencies and intergovernmental organizations to take account of the contradictions between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

(d) Collaborate closely with all the organizations concerned, particularly with the NGOs as well as those working alongside the poorest;

(e) Regularly inform the General Assembly of the evolution of the question of human rights and extreme poverty, notably the steps taken to coordinate activities in this field, consultations undertaken with Governments and governmental and non-governmental organizations, obstacles encountered and progress achieved in promoting the full enjoyment of human rights among persons living in extreme poverty, as well as the most innovative activities implemented to this end;

(f) Submit to the Commission at its fifty-fourth session, in accordance with agreed conclusions 1996/1 of the Economic and Social Council, a report, to be prepared by the Centre for Human Rights and the Division for the Advancement of Women, on the obstacles encountered and progress achieved in the field of women's rights relating to economic resources, the elimination of poverty and economic development, in particular for women living in extreme poverty;

(g) Submit specific information on this question at events such as the evaluation of the World Conference on Human Rights planned for 1998, the special session of the General Assembly devoted to conclusions of the World Summit on Social Development, scheduled for 2000, and the evaluation, at the half-way point in 2002 and the end-point in 2007, of the first United Nations Decade for the Eradication of Poverty;

(h) Continue his discussions with the World Bank and report on the creation of microcredit programmes at the fifty-fourth session of the Commission;

8. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/... of ... March/April 1997, and Sub-Commission on

Prevention of Discrimination and Protection of Minorities resolution 1996/23, of 29 August 1996, entitled 'Human rights and extreme poverty', approves the requests made to the Secretary-General:

(a) to publish the final report on human rights and extreme poverty in all the United Nations working languages;

(b) to convey the Special Rapporteur's final report to the General Assembly, to the Commission for Social Development, to the Commission on Sustainable Development, to the Trade and Development Board of the United Nations Conference on Trade and Development, to the Executive Boards of the United Nations Development Programme and the United Nations Children's Fund and to the Executive Committee of the United Nations High Commissioner for Refugees for consideration at their next sessions, as well as to any other body to which the Secretary-General considers it should be communicated;

9. Decides to consider this question at its fifty-fourth session under the same agenda item."

36th meeting
3 April 1997
[Adopted without a vote. See chap. V.]

1997/12. Question of the death penalty

The Commission on Human Rights,

Recalling article 3 of the Universal Declaration of Human Rights, which affirms the right of everyone to life, article 6 of the International Covenant on Civil and Political Rights and articles 6 and 37 (a) of the Convention on the Rights of the Child,

Recalling General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 on capital punishment, as well as resolution 44/128 of 15 December 1989, in which the Assembly adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Recalling also Economic and Social Council resolutions 1574 (L) of 20 May 1971, 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1984/50 of 25 May 1984, 1985/33 of 29 May 1985, 1989/64 of 24 May 1996, 1990/29 of 24 May 1990, 1990/51 of 24 July 1990 and 1996/15 of 23 July 1996,

Recalling further the report of the Secretary-General on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty (E/CN.15/1996/19), which states that there has been a considerable shift towards the abolition of the death penalty,

Welcoming the exclusion of capital punishment from the penalties that the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are authorized to impose,

Welcoming the observation of the Human Rights Committee, in its general comment 6 of 27 July 1982 on article 6 of the International Covenant on Civil and Political Rights, that the provisions contained in that article refer to abolition of the death penalty in terms which strongly suggest that abolition is desirable, and its affirmation that all measures of abolition should be considered as progress in the enjoyment of the right to life,

Deeply concerned that several countries impose the death penalty in disregard of the limitations provided for in the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,

Concerned also that several countries, in imposing the death penalty, do not take into account the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984,

Convinced that abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights,

1. Calls upon all States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

2. Urges all States that still maintain the death penalty to comply fully with their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, notably not to impose the death penalty for any but the most serious crimes, not to impose it for crimes committed by persons below eighteen years of age, to exclude pregnant women from capital punishment and to ensure the right to seek pardon or commutation of sentence;

3. Calls upon all States that still maintain the death penalty to observe the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984;

4. Calls upon all States that have not yet abolished the death penalty progressively to restrict the number of offences for which the death penalty may be imposed;

5. Also calls upon all States that have not yet abolished the death penalty to consider suspending executions, with a view to completely abolishing the death penalty;

6. Requests the Secretary-General to submit to the Commission on Human Rights, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement on changes in law and practice concerning the death penalty worldwide to his quinquennial report on capital punishment and implementation of the Safeguards guaranteeing the protection of the rights of those facing the death penalty;

7. Calls upon States that still retain the death penalty to make available to the public information with regard to the imposition of the death penalty;

8. Decides to continue consideration of the matter at its fifty-fourth session under the same agenda item.

37th meeting
3 April 1997
[Adopted by a roll-call vote of 27 votes to 11, with 14 abstentions. See chap. XIV.]

1997/13. Violence against women migrant workers

The Commission on Human Rights,

Recalling all previous resolutions on violence against women migrant workers adopted by the General Assembly, the Commission on the Status of Women and the Commission on Human Rights, as well as the Declaration on the Elimination of Violence against Women,

Taking note of resolution 1996/12 of 23 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning, inter alia, women migrant workers,

Affirming the outcome of the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women, specifically as they pertain to women migrant workers,

Noting the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families as a consequence of, inter alia, poverty, unemployment and other socio-economic conditions, and acknowledging the duty of sending States to work for conditions that provide employment and security to their citizens,

Concerned by the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some employers in some host countries,

Encouraged by some measures adopted by some receiving States to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

Reiterating that acts of violence directed against women impair or nullify their enjoyment of their human rights and fundamental freedoms,

1. Determines to prevent and eliminate all forms of violence against women and girls;

2. Encourages States to enact or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society;

3. Also encourages States to adopt and/or implement and periodically to review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders, and to take measures to ensure the protection of women subjected to violence and that they have access to just and effective remedies, including compensation and indemnification and healing of victims, and for the rehabilitation of perpetrators;

4. Invites the States concerned, specifically the sending and receiving States, to consider adopting appropriate legal measures against intermediaries who deliberately encourage the clandestine movement of workers and who exploit women migrant workers;

5. Reiterates the need for States concerned, specifically the sending and receiving States of women migrant workers, to conduct regular consultations for the purpose of identifying problem areas in promoting and protecting the rights of women migrant workers and ensuring health, legal and social services for them, adopting specific measures to address these problems, setting up, as necessary, linguistically and culturally accessible services and mechanisms to implement these measures and, in general, creating conditions that foster greater harmony and tolerance between women migrant workers and the rest of the society in which they reside;

6. Encourages States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Slavery Convention of 1926;

7. Requests the United Nations High Commissioner for Human Rights, the Centre for Human Rights and the Special Rapporteur on violence against women, as well as all relevant bodies and programmes in the United Nations system, when addressing the issue of violence against women to give particular attention to the issue of violence perpetrated against women migrant workers;

8. Expresses its appreciation to the Government of the Philippines for hosting the United Nations Expert Group Meeting on Violence Against Women Migrant Workers in Manila from 27 to 31 May 1996;

9. Invites the regional commissions and the regional offices of the International Labour Organization to examine ways and means, within their mandates, of dealing with concerns pertaining to women migrant workers;

10. Requests the Secretary-General to submit a comprehensive report to the Commission on Human Rights at its fifty-fourth session on the implementation of the present resolution, including information received from organs and bodies of the United Nations system, Member States, intergovernmental organizations and other concerned bodies;

11. Decides to continue to consider the question at its fifty-fourth session under the relevant agenda item.

37th meeting
3 April 1997

[Adopted without a vote. See chap. XI.]

1997/14. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Concerned at the situation of migrant workers and members of their families and at the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to the resolution,

Considering that the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights urges all States to guarantee the protection of all migrant workers and their families and invites them to consider the possibility of signing and ratifying the Convention at the earliest possible time,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrant workers in different parts of the world;

2. Urges countries of destination to review and adopt, as appropriate, measures to prevent the excessive use of force and to ensure that their police forces and competent migration authorities comply with the basic standards relating to the decent treatment of migrant workers and their families, inter alia, through the organization of training courses on human rights;

3. Takes note of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1997/65), and welcomes the fact that some Member States have recently acceded to the Convention;

4. Calls upon all Member States to consider the possibility of signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that this international instrument will enter into force at an early date;

5. Requests the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

6. Invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to continue and intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

7. Requests the Secretary-General to submit to the Commission at its fifty-fourth session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

8. Decides to include in the provisional agenda of the fifty-fourth session of the Commission the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

37th meeting
3 April 1997

[Adopted without a vote. See chap. XI.]

1997/15. Migrants and human rights

The Commission on Human Rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Affirming that every State Party to the International Covenant on Civil and Political Rights must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant,

Reaffirming that every State Party to the International Covenant on Economic, Social and Cultural Rights must undertake to guarantee that the rights enunciated in that Covenant will be exercised without discrimination of any kind, including as to national origin,

Deeply concerned at the increasing manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants in different parts of the world,

Bearing in mind the situation of vulnerability in which migrants frequently find themselves owing, among other things, to their absence from their State of origin and to the difficulties they encounter because of differences of language, customs and culture,

Considering that there is a need to make further efforts to improve the situation and ensure the human rights and dignity of migrants,

1. Acknowledges that the principles and standards embodied in the Universal Declaration of Human Rights apply to everyone, including migrants;

2. Requests States, in conformity with their respective constitutional systems, the Universal Declaration of Human Rights, and the international instruments to which they are party, which may include the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other applicable international human rights instruments, effectively to promote and protect the human rights of all migrants;

3. Decides to establish, within the approved overall budget level for the current biennium, a working group consisting of five intergovernmental experts, appointed on the basis of equitable geographical representation after consultations with the regional groups, to meet for two periods of five working days prior to the fifty-fourth session of the Commission, with a mandate to:

(a) Gather all relevant information from Governments, non-governmental organizations and any other relevant sources on the obstacles existing to the effective and full protection of the human rights of migrants;

(b) Elaborate recommendations to strengthen the promotion, protection and implementation of the human rights of migrants;

4. Requests the working group of intergovernmental experts to submit a report to the Commission on Human Rights at its fifty-fourth session under the appropriate agenda item.

37th meeting
3 April 1997
[Adopted without a vote. See chap. XI.]

1997/16. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, as well as subsequent resolutions of the Assembly on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole,

Concerned by the growing frequency and severity of disputes and conflicts concerning minorities in many countries, and their often tragic consequences, and that persons belonging to minorities; are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

Recalling its resolution 1995/24 of 3 March 1995, in which the Commission, inter alia, decided to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to minorities,

Taking note of resolution 1996/17 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, requesting, inter alia, the Working Group to continue to hold one session annually,

Taking note also of the invitation by the Sub-Commission to the Working Group to increase its cooperation with the United Nations High Commissioner for Human Rights,

1. Takes note of the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1997/82), as well as of the reports of the Working Group on Minorities on its first and second sessions (E/CN.4/Sub.2/1996/2 and E/CN.4/Sub.2/1996/28);

2. Reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of the country;

4. Also urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;

5. Recognizes that respect for human rights and the promotion of understanding and tolerance by Governments, as well as between and among minorities, including through programmes of human rights education and public information, are central to the protection and promotion of the rights of persons belonging to minorities;

6. Calls upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

7. Requests the United Nations High Commissioner for Human Rights to continue his efforts to improve the coordination and cooperation of United Nations programmes and agencies which deal with minority issues in activities related to the promotion and protection of the rights of persons belonging to minorities;

8. Calls upon the United Nations High Commissioner for Human Rights to promote, within his mandate, the implementation of the Declaration and to continue to engage in a dialogue with Governments concerned for that purpose;

9. Calls upon States to continue to include in their reports to human rights treaty bodies, in accordance with the relevant conventions, information on measures taken for the promotion and protection of the rights of persons belonging to minorities, and to consider ways to facilitate contributions from national or ethnic, religious and linguistic minorities in the preparation of national reports;

10. Calls upon all special representatives, special rapporteurs and working groups of the Commission to continue to give attention, within their respective mandates, to situations involving minorities;

11. Commends the role of the Working Group on Minorities of the Sub-Commission as an important forum for the promotion of the rights of persons belonging to minorities;

12. Expresses its expectation that the Working Group will further implement its mandate as set out in Commission resolution 1995/24 of 3 March 1995, with the involvement of a wide range of participants and that it will also take note of the Commission's deliberations on this item;

13. Calls upon States, intergovernmental organizations, United Nations bodies, specialized agencies and non-governmental organizations to participate actively in the work of the Working Group, including through written contributions;

14. Invites the Working Group to submit, through the Sub-Commission, a comprehensive report on its work to the Commission at its fifty-fourth session for the consideration of, inter alia, the extension of its mandate;

15. Requests the Secretary-General to submit to the Commission at its fifty-fourth session a report on the implementation of the present resolution;

16. Decides to continue consideration of this issue at its fifty-fourth session under the same agenda item.

37th meeting
3 April 1997

[Adopted without a vote. See chap. XVII.]